

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

GERALD H. LOWERY, SR.

PLAINTIFFS

v.

Case No. 4:18-cv-4108

NURSE S. KING, Head Nurse MCDC; NURSE
CHELSEA FOSTER, MCDC; NURSE
LONNIE REDFEARN, MCDC; DR.
TIMOTHY REYNOLDS, MCDC; SOUTHERN
HEALTH PARTNERS, INC.

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed September 30, 2019, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 56). Judge Bryant recommends that the Court grant in part and deny in part the summary judgment motion (ECF No. 39) filed by Defendants Chelsea Foster, Timothy Reynolds, S. King, Lonnie Redfearn, and Southern Health Partners, Inc. Specifically, Judge Bryant recommends that the Court dismiss the following claims with prejudice: (1) Plaintiff's official capacity claims against all Defendants; (2) all individual capacity claims against Defendants Southern Health Partners, Inc., Reynolds, and Redfearn; and (3) all individual capacity claims against Defendants King and Foster related to discontinuing Plaintiff's medical medication and reducing his blood sugar checks, lack of evaluation, administration of incorrect medication, and retaliation. Judge Bryant finds that a genuine dispute of material fact exists as to Plaintiff's individual capacity claims against Defendants King and Foster related to denial of pain medication from June 5, 2018 through June 9, 2018, and recommends that those claims remain for trial.

No party has objected to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Therefore, the Court adopts the Report and Recommendation

(ECF No. 56) *in toto*. Defendants' summary judgment motion (ECF No. 39) is hereby **GRANTED IN PART AND DENIED IN PART.**

Accordingly, Plaintiff's official capacity claims against all Defendants are hereby **DISMISSED WITH PREJUDICE**. Plaintiff's individual capacity claims against Defendants Southern Health Partners, Inc.; Reynolds; and Redfearn are also **DISMISSED WITH PREJUDICE**. Plaintiff's individual capacity claims against Defendants King and Foster are **DISMISSED WITH PREJUDICE**, except for the claims related to denial of pain medication from June 5, 2018 through June 9, 2018, which remain for trial.

IT IS SO ORDERED, this 21st day of October, 2019.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge